

### **REMARKS**

The Office action mailed 20 April 2006, has been received and its contents carefully noted. The pending claims, claims 17, 19, 21-25, 40 and 44-46 were rejected. By this amendment, claims 1-46 have been canceled and claims 47-55 are new. Claims 47-55 are directed to a method of preventing ricin intoxication by inhalation in a subject which comprises administering a deglycosylated ricin A-chain to the subject. Support may be found in the specification and the claims as originally filed. No statutory new matter has been added. Therefore, reconsideration and entry of the claims as amended are respectfully requested.

#### **Interview of 12 July 2006**

Applicants greatly appreciate the Examiner taking the time to conduct an interview and his thoughtful comments. During the interview, the Examiner indicated that methods of preventing ricin intoxication by inhalation would overcome the rejections in the Office action mailed 20 April 2006. Applicants have amended the claims to be directed to methods of preventing ricin intoxication. Applicants respectfully request that the Examiner telephone the undersigned to conduct an interview prior to issuing an Office action.

#### **Rejection under 35 U.S.C. 112, first paragraph**

The Examiner rejected the claims under 35 U.S.C. 112, first and second paragraphs, as lacking an enabling disclosure form "inducing a mean ELISA titer" for any ELISA assay and being unclear as to the ELISA conditions.

Applicants respectfully submit that the claims, as amended, render these rejections moot. Therefore, the rejections under 35 U.S.C. 112, first and second paragraphs, should properly be withdrawn.

#### **Rejection under 35 U.S.C. 102(b)**

The Examiner rejected claims 17, 18, 21-25, 40 and 44-46 under 35 U.S.C. 102(b) as being anticipated by Thorpe et al.

Applicants respectfully submit that Thorpe et al. merely concludes that a deglycosylated ricin A chain lacking the B chain "should have a better chance of gaining access to and killing

their target cells”. Nowhere does Thorpe et al. provide any data on the immunochemistry of a deglycosylated ricin-A chain lacking the B chain as Thorpe et al. as Thorpe et al. only examined deglycosylated ricin (having both the A and B chains). Thus, Thorpe et al. does not teach or suggest that administration of deglycosylated ricin A-chain will produce neutralizing antibodies in a subject. Consequently, Thorpe et al. does not anticipate the method of claim 25 which is directed to a method for providing neutralizing antibodies against ricin toxin in a subject.

Nowhere do the cited prior art teach or suggest that administration of deglycosylated ricin toxin A-chain will protect a subject from ricin intoxication by inhalation. Further, nowhere do the cited prior art teach or suggest that deglycosylated ricin toxin A-chain would provide protection against anthrax intoxication by inhalation that is better than that provided by ricin toxin A-chain. See specification, page 4, lines 29-31, Example 2, and Figures 5 and 6. Therefore, Applicants respectfully submit that new claims 47-55, which are directed to methods of protecting a subject against anthrax intoxication by inhalation are novel and unobvious.

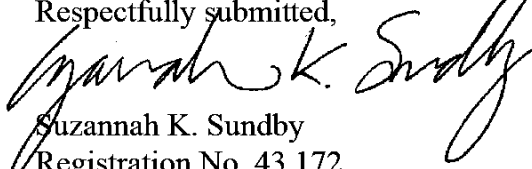
Therefore, Applicants respectfully submit that the rejection under 35 U.S.C. 102(b) should properly be withdrawn.

### CONCLUSION

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

It is not believed that extensions of time are required, beyond those that may otherwise be provided for in accompanying documents. However, in the event that additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. §1.136(a), and any fees required therefor are hereby authorized to be charged to **Deposit Account No. 210-380**, Attorney Docket No. **034047.004CON1 (RIID 99-12A)**.

Respectfully submitted,



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